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10/698,189	10/30/2003	Ran M. Oz	5079P022C	9908
8791 7590 12/03/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
SAINT CYR, JEAN D				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/698,189

**Applicant(s)**

OZ ET AL.

**Examiner**

JEAN D. SAINT CYR

**Art Unit**

2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-27 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/CIS)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**  
**Response to Amendment**

This action is in response to applicant's amendment filed on 06/18/2008. Claims 1-19 are still pending in the current application and claims 20-27 were added. **This action is made FINAL.**

**Response to arguments**

Applicant's arguments were fully considered, but they were not persuasive. Applicant argued that the live media stream and the non-live media stream of Gordon are different from the one in the current application.

However, Gordon really shows in fig.5 that the service provider divides the received signal in two paths. In the first path the signal is sent to users and the second path the signal is stored in order to provide VCR function upon receiving requests from subscribers. As a result, this action is made final.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Gordon et al, US Patent No. 7024678.

Re claim 1, Gordon et al disclose a method for providing media streams (see fig.5), the method comprising the steps of  
receiving live media streams at a first path(see fig.5, element 502);

providing a live media stream from the first path to a client, in response to a request to provide the live media stream to the client(first is a stream containing a real-time bitstream of encoded video information that is to be broadcast to the subscribers, col.3, lines 51-53);

retrieving media related information(subscriber equipment 106 receives the requested data streams as well as broadcast streams from the forward information channel, col.4, lines 56-58) and providing a non-live media stream from a second path to a client, in response to a request to provide the non-live media stream to the client(see fig.5; upon electing to review, the system transmits the storage bitstream to the subscriber,col.2, lines 20-21) ;

wherein the providing of the non-live media stream is preceded by generating at least a portion of the non-live media stream in response to the request to provide the non-live media stream to the client(see fig.5 where subscriber requests stored contents for fast reverse and fast forward; the subscriber, at any time, may elect to review a portion of the program that has already been watched. As such, the subscriber manipulates the input device 138 such that, at step 514, a "rewind" or fast reverse command is sent from the subscriber terminal 136 to a modem 127 requesting rewind. The session control manager 125 then instructs, at step 516, the information server 108 to recall the fast reverse stream associated with the broadcast bitstream and send, at step 518, the fast reverse stream to the requesting subscriber, i.e., the transmission to the subscriber is now changed from a broadcast transmission to a pointcast transmission, col.7, lines 43-54).

Re claim 2, Gordon et al teach wherein the first path comprises a data acquisition unit (see fig.1, encoder 200; the video data is produced by an encoder 200 as two streams, col.3, lines 49-50) and a video pump (see fig.1, element 122, Video session manager; the video session manager contains its own central processing unit

and associated memory that provides functionality for the graphical user interfaces through which the consumer interacts with the system, col.3, lines 60-64).

Re claim 3, Gordon et al teach wherein the second path comprises a media server (see fig.1, element 114; data storage; the data storage device that that generally stores the subscriber information that is transmitted directly to the subscriber equipment, col.3, lines 45-48) and a media pump (see fig.1, element 122, Video session manager; the video session manager contains its own central processing unit and associated memory that provides functionality for the graphical user interfaces through which the consumer interacts with the system, col.3, lines 60-64) being coupled to each other by a bandwidth limited link (see, fig1, element 104, cable transport subsystem).

Re claim 4, Gordon et al disclose wherein the media related information comprises portions of the non-live media stream (rewatch a previously viewed portion of the real- time event, col.2, lines 60-61; that means a portion of non-live media stream).

Re claim 5, Gordon et al teach wherein the non-live media stream is MPEG compliant (produces MPEG-2 complaint, col.2, line 28).

Re claim 6, Gordon et al teach wherein the non-live media stream is a trick mode media stream (see fig.2, element 208, trick play stream; the exemplary trick play streams are fast forward and fast reverse, col.5, line 45-46).

Re claim 7, Gordon et al teach further comprising a step of providing a live media stream from the first path to a client, in response to a request to provide a slightly delayed media stream to the client (an alternative to requiring the subscriber to fast forward to catch up to the broadcast stream is to provide a "catch" button that, when

depressed, causes the subscriber terminal to instantly transition from decoding the storage bitstream to decoding the broadcast bitstream, col.8, lines 29-33; that means users can still receive live media stream in the first path even when there is some delay in their connection).

Re claim 8, Gordon et al disclose further comprising converting live media streams to, non-live media streams (see fig.1, the data storage stores the live media stream).

Re claim 9, Gordon et al disclose a system for providing media streams, the system comprising: a first path for receiving live media streams and for providing a live media stream to a client, in response to a request to provide the live media stream to the client (first is a stream containing a real- time bitstream of encoded video information that is to be broadcast to the subscribers, col.3, lines 51-53); and

a second path operable to retrieve media related information; to generate at least a portion of a non-live media stream in response to a request to provide the non-live media stream to the client(Upon electing to review, the system transmits the storage bitstream to the subscriber,col.2, lines 20-21); and to provide the non-live media stream to the client, in response to the request to provide the non-live media stream to the client(The subscriber, at any time, may elect to review a portion of the program that has already been watched, col.7, lines 43-45).

Re claim 10, Gordon et al teach wherein the first path comprises a data acquisition unit (see fig.1, encoder 200; the video data is produced by an encoder 200 as two streams, col.3, lines 49-50) and a video pump (see fig.1, element 122, Video session manager; the video session manager contains its own central processing unit and associated memory that provides functionality for the graphical user interfaces through which the consumer interacts with the system, col.3, lines 60-64).

Re claim 11, Gordon et al teach wherein the second path comprises a media server (see fig.1, element 114; data storage; the data storage device that that generally stores the subscriber information that is transmitted directly to the subscriber equipment, col.3, lines 45-48) and a media pump (see fig.1, element 122, Video session manager; the video session manager contains its own central processing unit and associated memory that provides functionality for the graphical user interfaces through which the consumer interacts with the system, col.3, lines 60-64) being coupled to each other by a bandwidth limited link(see, fig1, element 104, cable transport subsystem).

Re claim 12, Gordon et al disclose wherein the media related information comprises portions of the non-live media stream (rewatch a previously viewed portion of the real- time event, col.2, lines 60-61; that means a portion of non-live media stream).

Re claim 13, Gordon et al teach wherein the non-live media stream is MPEG compliant media stream (produces MPEG-2 complaint, col.2, line 28).

Re claim 14, Gordon et al teach wherein the non-live media stream is a trick mode media stream (see fig.2, element 208, trick play stream; the exemplary trick play streams are fast forward and fast reverse, col.5, line 45-46).

Re claim 15, Gordon et al teach further comprising a step of providing a live media stream from the first path to a client, in response to a request to provide a slightly delayed media stream to the client (an alternative to requiring the subscriber to fast forward to catch up to the broadcast stream is to provide a "catch" button that, when depressed, causes the subscriber terminal to instantly transition from decoding the storage bitstream to decoding the broadcast bitstream, col.8, lines 29-33; that means users can still receive live media stream in the first path even when there is some delay in their connection.

Re claim 16, Gordon et al disclose a system for providing media streams, the system comprising:

an acquisition unit coupled to a media source(see fig.1, encoder 200; the video data is produced by an encoder 200 as two streams, col.3, lines 50-51);;

a media storage(see fig.1, element 114; data storage; the data storage device that that generally stores the subscriber information that is transmitted directly to the subscriber equipment, col.3, lines 45-48) and management entity(see fig.1, element 142, network manager);

a video pump interface, coupled to the output of the acquisition unit, to the media storage and management entity(see fig.1, element 122, Video session manager) and to a command channel, the video pump interface is operable to receive instructions/requests from an end- user and accordingly to determine whether to feed the video pump with live stream media from the acquisition unit or to initiate a data fetch sequence for fetching data stored in the media storage and management entity, in case where trick modes are required(If the subscriber elects to fast forward through the video, the subscriber terminal once again sends, at step 534, a request to the session control manager 125, col.8, lines11-13); and

a video pump that is operable to determine which data to fetch from the media storage and management entity and when to transmit it according to MPEG timing(video encoder that simultaneously produces an MPEG-2 compliant fast forward, fast reverse, col.2, lines 27-29);

wherein the media storage and management entity is adapted to generate at least a portion of a non-live media stream in response to a request to provide the non-live



media stream to a client(Upon electing to review, the system transmits the storage bitstream to the subscriber,col.2, lines 20-21).

Re claim 17, Gordon et al disclose wherein the video pump is operable to fetch selected portions of the data stored at the media storage and management entity(the video session manager accomplishes all of the transmission interface requirement of the system, col.4, lines 17-18; the video session manager interprets each command set from terminal through the back channel and instructs the information server to perform certain function to implement the consumer/ subscriber request, col.5, lines 7-10).

Re claim 18, Gordon et al teach wherein the video pump is further operable to transmit retrieved data over a network to the end-user (see fig.1, where the video session manager is connected to the cable subsystem and to the subscriber equipment; the cable transport subsystem can be any one of a number of conventional broad band communications networks, col.4, lines 41-43).

Re claim 19, Gordon et al disclose a computer readable medium having code embodied therein for causing an electronic device to perform(see fig.1, element 126, memory, element 124, CPU) the steps of:

receiving live media streams at a first path(see fig.1);

providing a live media stream from the first path to a client, in response to a request to provide the live media stream to the client (first is a stream containing a real- time bitstream of encoded video information that is to be broadcast to the subscribers, col.3, lines 51-53); and

retrieving media related information and providing a non-live media stream from a second path to a client, in response to a request to provide the live media stream to the client(upon electing to review, the system transmits the storage bitstream to the

subscriber,col.2, lines 20-21); and generating, prior to the providing of the non-live media stream, at least a portion of the non-live media stream in response to the request to provide the non-live media stream to the client(the subscriber, at any time, may elect to review a portion of the program that has already been watched. As such, the subscriber manipulates the input device 138 such that, at step 514, a "rewind" or fast reverse command is sent from the subscriber terminal 136 to a modem 127 requesting rewind. The session control manager 125 then instructs, at step 516, the information server 108 to recall the fast reverse stream associated with the broadcast bitstream and send, at step 518, the fast reverse stream to the requesting subscriber, i.e., the transmission to the subscriber is now changed from a broadcast transmission to a pointcast transmission, col.7, lines 43-54).

Re claim 20, Gordon et al disclose wherein the generating comprises generating at least the portion of the non-live media stream by converting the live media stream to provide at least the portion of the non-live media stream(the subscriber may watch an event in real-time, then elect to "rewatch" a previously viewed portion of the real-time event, col.2, lines 58-62).

Re claim 21, Gordon et al disclose wherein the receiving further comprises receiving a live media stream from a first media source, and wherein the retrieving comprises retrieving media related information from a second media source that is different from the first media source(see fig.1, source video and information server).

Re claim 22, Gordon et al disclose further comprising storing non-live media streams at the video pump, providing a first portion of the non-live media stream from the video pump to the client, and providing a second portion of the non-live media stream from the media server, wherein the generating comprises generating the second portion of the non-live media stream(see fig.2).

Re claim 23, Gordon et al disclose wherein the converting comprises converting

a live media stream to a non-live media stream that substantially includes intra coded frames of the live media stream and duplicating frames<sup>9</sup>(see fig.3).

Re claim 24, Gordon et al disclose wherein the second path is further operable to generate at least the portion of the non-live media stream by converting the live media stream to provide at least the portion of the non-live media stream(see fig.2).

Re claim 25, Gordon et al disclose wherein the first path is operable to receive a live media stream from a first media source, and wherein the second path is further operable to retrieve media related information from a second media source that is different from the first media source(see fig.1, source video and information server).

Re claim 26, Gordon et al disclose wherein the video pump is further adapted to store non-live media streams, to provide a first portion of a non-live media stream that is stored at the video pump to the client, and to providing a second portion of the non-live media stream from the media storage and management entity, wherein the media storage and management entity is adapted to generate the second portion of the non-live media stream(Upon electing to review, the system transmits the storage bitstream to the subscriber,col.2, lines 20-21).

Re claim 27, Gordon et al disclose wherein the media storage and management entity is adapted to convert a live media stream to a non-live media stream that substantially includes the intra coded frames of at least a portion of the live media stream, and duplicating frames(see fig.3).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST. If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reached on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Brian T. Pendleton/

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